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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,895	08/02/2001	Peter A. Goode	22.1410	9846

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14910 AIRLINE ROAD
ROSHARON, TX 77583

EXAMINER

BEACH, THOMAS A

ART UNIT	PAPER NUMBER
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3671

NOTIFICATION DATE	DELIVERY MODE
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02/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

VSOLIS2@SLB.COM

ABrown15@rosharon.oilfield.slb.com

Office Action Summary	Application No. 09/920,895	Applicant(s) GOODE ET AL.	
	Examiner THOMAS A. BEACH	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12, 25-29 and 44-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12, 25-29 and 44-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-11, 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. 6,302,199 in view of Kilgore 6,182,765. Hawkins shows a method including the method of halting the flow of fluid in a well (col. 2, lines 31-40); deploying a tool 68/70 from within the well while the fluid is halted (col. 2, lines 31-40); allowing the tool to free fall in the well while the fluid is halted since the valve 100 is closed, in which this valve can be open or closed during operation to control the fluid flow; but does not specifically disclose resuming the flow *to retrieve the tool*.

Kilgore shows a similar method which includes a well to deploy a tool 315 in “free fall” from within the well (col. 3, lines 42-44); allowing the tool to free fall in the well (col. 6, lines 64-67 & emphasis added *col. 3, line 44*); and utilizing the pressure of the fluid flow to retrieve the tool (col. 7, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hawkins, as taught by Kilgore, to include the additional known method step of Kilgore to utilize the fluid flow to return a tool for the

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expected benefit of reusing tools by utilizing the recirculation pressure with the valve 100 of Hawkins already controls the fluid flow.

As concerns claim 26, the combination (Hawkins & Kilgore) show using the tool to take a corrective action in the well (col. 1, lines 40-45; col. 6, line 67 & col. 7, line 1, respectively).

As concerns claims 28, the combination (Kilgore) shows triggering the halting in response to a command (col. 5, lines 48-50).

As concerns claim 29, Hawkins shows triggering the halting in response to a previous measurement indicating intervention is needed in the well since Kilgore is capable of once a problem is detected (col. 7, line 1) another tool may be selected and utilized which will be dropped in free fall to its determined height using the computer 430.

3. Claims 12, 25, 44-48, and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. 6,302,199 and Kilgore 6,182,765, as applied to claim 10 above, further in view of Bijleveld et al 6,241,028. The combination shows the elements of claim 44 including the use of a spherical tool, but does not disclose the use of the tool as including a sensor. However, shows a similar tool 40 that is rolled into well (fig 3) that includes a sensor (fig 2) capable of collecting data, perform tests, and measuring properties of the well, along the well (claims 25 and 46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination, as taught by Bijleveld, to

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include a tool having sensor(s) for the expected result of improved operations utilizing collected data regarding the well and its properties.

As concerns claim 45, the combination (Hawkins & Kilgore & Bijleveld) shows introducing a delay that allows the tool to reach a certain depth.

As concerns claim 48, the combination (Hawkins & Kilgore) show using the tool to take a corrective action in the well (col. 1, lines 40-45; col. 6, line 67 & col. 7, line 1, respectively).

As concerns claim 50, the combination (Kilgore) shows triggering the halting in response to a command (col. 5, lines 48-50).

As concerns claim 51, Hawkins shows triggering the halting in response to a previous measurement indicating intervention is needed in the well since Kilgore is capable of once a problem is detected (col. 7, line 1) another tool may be selected and utilized which will be dropped in free fall to its determined height using the computer 430.

4. Claims 27 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. 6,302,199 and Kilgore 6,182,765 and Bijleveld et al 6,241,028, as applied to claim 10 above, further in view of Littleton et al 4,709,719 or Ashton 4,785,880. The combination does not disclose a timer; however, Littleton discloses control panel timer (col. 6, line 60) and Ashton with element 100 disclose the well known use of a timer to halt between tool launchings. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination, as taught by Littleton or Ashton, to include a timer for the expected result

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of improved operations by controlling the launch procedure of the tools in response to the known element of a timer.

Response to Arguments

5. Applicant's arguments regarding Kilgore and the Board decision are noted and applicant's arguments filed 10/15/09 have been fully considered but they are not persuasive.

Applicant's arguments regarding Kilgore not specifically halting of the fluid are noted; however, clearly from the rejection above and from the action mailed on 07/15/09 the primary reference Hawkins already has disclosed this method step. Therefore, these arguments that Kilgore cannot be used as a secondary teaching are not persuasive since Kilgore is a clear teaching with motivation of the step of using fluid flow to return a tool. The primary reference Hawkins has already taught all the step(s) of the base claim.

The fact remains that Kilgore has contemplated and discussed "free fall" of a tool within the well (see col. 3, lines 42-46; & fig 2), thus creating a rationale for arriving at obviousness suggested by the Supreme Court's decision in KSR where combining the prior art elements of Kilgore with Hawkins according to known methods yield predictable results. Kilgore is a secondary reference teaching that utilizing fluid flow to return a tool is well known and where the primary reference Hawkins has already and clearly taught the method steps of the claim such as halting of fluid flow in order for a tool to be dropped in free-fall. Kilgore is considered a similar reference that demonstrates and

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teaches that the additional step of returning the tool using the recirculation fluid flow to retrieve a tool is well known in the art.

Regarding the Board Decision and in particular Fact 3 (as presented and relied upon), which discusses another embodiment in the preceding lines (col. 5, lines 9-11) that specifically states the addition of pumps and valves would be required to enable 240 to be utilized during operation in which production fluid is flowed, thus an alternative embodiment. Fact 2 demonstrates what is needed and utilized in order for the tool to be deployed in a free-fall state, that a complete shut-down with the master valve, thus no production fluid flow to enable free flow. Therefore, the embodiment shown (*and not the one that requires modification of pumps, valves etc to enable 240 to function during "operations" relied upon by the Board*) includes halting of fluid by valve 220 in order for the tool to "free-fall" from 240 into the well (fig 2). Furthermore, applicant does not claim the production fluid that is halted, merely fluid.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

/Thomas A Beach/
Primary Examiner, Art Unit 3671

January 28, 2010

THOMAS A. BEACH
Primary Examiner
Group 3600